



Civil Resolution Tribunal

2017/2018 Annual Report

Covering the period April 1, 2017 through March 31, 2018

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Purpose and Mandate

The Civil Resolution Tribunal (CRT) is an independent, quasi-judicial tribunal operating under the authority of the *Civil Resolution Tribunal Act (CRTA)*. The CRT is Canada's first online tribunal, currently providing end-to-end dispute resolution services for strata property disputes of any amount and small claims up to \$5,000. The CRT encourages a collaborative, problem-solving approach to dispute resolution, rather than the traditional courtroom model, by providing timely access to legal information, self-help tools, and dispute resolution services to help resolve disputes as early as possible. If parties are unable to resolve their dispute collaboratively, a CRT tribunal member makes a binding decision, enforceable as a court order.

Guiding Principles

The CRT is guided by five core principles. Dispute resolution services must be timely, flexible, accessible, affordable and efficient.

Timely

Protracted legal disputes harm the physical, mental and financial well-being of participants. This is why the CRT works to help people resolve their disputes as early in the process as possible. As a first step, the CRT provides the public with free legal information and self-help tools, through the Solution Explorer. The Solution Explorer provides expert legal knowledge to the public, through a simple question and answer platform available to anyone, regardless of whether they have a CRT claim. The Solution Explorer helps people better understand their legal rights and resolution options, before they spend time and money on initiating a formal legal claim. The Solution Explorer is available for free, 24 hours a day, 7 days a week. This year, the Solution Explorer was used 25,507 times.

As of March 31, 2018, the CRT had 2,212 disputes in progress. The CRT is continuing to add resources – employees and members – to deal with the increased volumes attributable to the new small claims jurisdiction. Over the next year or so, the increased resources are expected to reduce the time required to resolve disputes and reduce the number of outstanding disputes.

Flexible

The CRT offers a range of dispute resolution tools to support early, collaborative dispute resolution. These include:

- the Solution Explorer, which helps the public understand their legal problem and provides self-help options, all for free;
- access to CRT decisions to enable participants to understand likely resolution outcomes;
- mediation services and active case management from a CRT case manager; and
- a binding CRT decision from a CRT tribunal member, if the parties cannot resolve their dispute by agreement.

Wherever possible, the CRT works to assist the parties in resolving their dispute by agreement, relying on adjudication as a valuable last resort.

Accessible

The CRT works hard to ensure it is accessible to everyone in British Columbia, regardless of their background or circumstances. Participants can access online services wherever and whenever they choose, 24 hours a day, 7 days a week. They can also access CRT services through paper, telephone, videoconference, or in-person at one of 60 Service BC locations in the province. So far, about 98% of participants have chosen to communicate with the CRT through the online services, including email. However, providing online services is only one of the many ways we work to increase accessibility and inclusivity.

The CRT works with community legal advocates around the province who represent people with barriers to accessing the justice system. We ask them to test anything we develop that will be used by the public, because we want to make sure the CRT works for our most vulnerable parties first and foremost. We are very grateful to these advocates who have volunteered their time, energy and expertise to help us make the CRT as accessible as possible. Here are some of our many accessibility initiatives:

Inclusivity is a Core Value



Affordable

The CRT offers affordable dispute resolution in several ways. The CRT's first stage is the Solution Explorer, which provides free legal information and self-help tools. The CRT has also worked with community legal advocates to develop a simple fee waiver form for people with a low income, without the need to provide additional documents, in most cases. CRT fees are staged, so participants only pay for the services they use. For most disputes there are no travel costs. The CRT also offers a \$25 discount for applications and responses filed online. Since the response fee is \$25, responses filed online are free. Finally, the CRT aims to offer dispute resolution with a focus on self-representation; in most disputes there are no lawyers or legal fees.

Efficient

The CRT focusses on efficiency by automating business processes, actively case managing files to reduce delay, and using data analytics and a continuous improvement process to make data-based improvements. The CRT publishes its case volumes and user satisfaction statistics every month on its website to increase accountability for its operations.



Civil Resolution Tribunal

How the CRT Works

The CRT process includes four stages, described below:



EXPLORE AND APPLY

Start with our Solution Explorer. It has free legal information and tools. It will also give you the right CRT application form for your type of dispute.



NEGOTIATE

Once your application is accepted, try our secure and confidential negotiation platform. You can talk through your dispute and try to reach an agreement.



REACH AN AGREEMENT

If you can't resolve your dispute by negotiation, a case manager will try to help you reach an agreement. Agreements can be turned into orders, and be enforced like a court order.



GET A DECISION

If you can't reach an agreement by negotiation or facilitation, an independent CRT member will make a decision about your dispute. A CRT decision can be enforced like a court order.

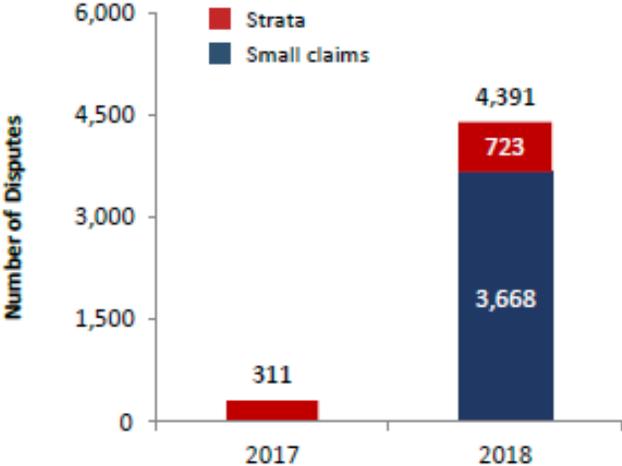
Highlights from 2017/2018

New Applications, By Type

From April 1, 2017 to March 31, 2018, the CRT received 4,391 applications for dispute resolution. This represents a 14-fold increase in the number of applications for dispute resolution received for the same period last year. Most of the increase is attributable to the addition of small claims up to \$5,000 (3,668 disputes) to the CRT mandate, effective June 1, 2017. The number of new strata applications increased from 311 to 723 (the 2016/17 volumes are for the 8 ½ month period from July 13, 2016 to March 31, 2017).

The CRT expects the number of applications for dispute resolution to continue growing as more British Columbians become aware of the CRT, its dispute resolution services, and its jurisdiction over small claims disputes.

Figure 1: New CRT applications for dispute resolution 2017-2018



Note: Graphs and tables throughout this report include columns by fiscal year. In each instance, 2018 includes relevant data from April 1, 2017 to March 31, 2018 and 2017 includes relevant data from July 13, 2016 to March 31, 2017.

Active Disputes

As of March 31, 2018, the CRT had 2,212 active disputes.

At current completion rates (2,441 completed disputes per year), the number of active disputes (2,212) represents a time to resolution of 8 months on average. Participants who applied for dispute resolution on or after March 31, 2017, could expect to have their disputes resolved within approximately 240 days. The CRT continues to adjust its procedures and add resources, in order to gradually reduce the time to resolution. The CRT estimates it will achieve the tribunal's goal of resolving disputes within an average of 90 days, by the end of 2019.

Active disputes are counted at March 31 of 2017 and 2018 respectively and represent disputes where an application was submitted on or before March 31 of that year and the dispute is still open.

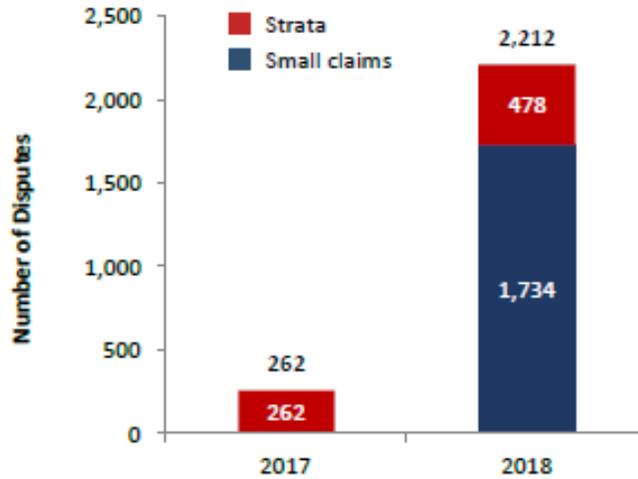


Figure 2: Number of active CRT disputes at the end of each year

Disputes Closed

From April 1, 2017 until March 31, 2018 the CRT closed 2,441 disputes. This represents a significant increase in the number of disputes closed compared to the same period last year.

During its second year of operations, the CRT increased its staffing levels and improved its online tools and business processes. These changes have significantly increased the CRT's dispute resolution capacity. The CRT expects its future dispute resolution capacity to continue to grow, resulting in an improved time to resolution.

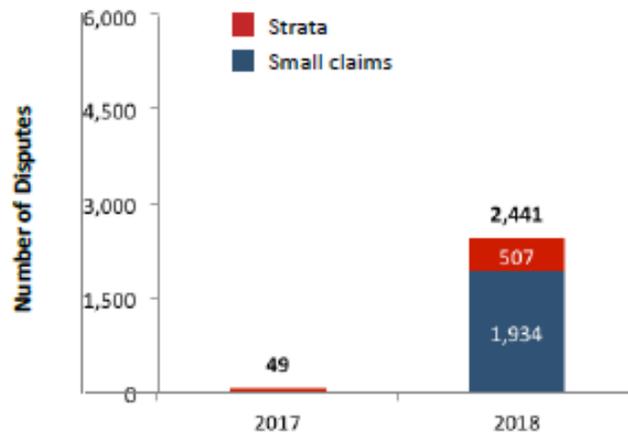


Figure 3: CRT disputes closed

Dispute Outcomes

The following table shows the outcomes of the 2,441 disputes closed by the CRT during the year, compared with the previous year.

Outcome	2018	2017
1. CRT Refused to Accept	152 (6%)	7 (14%)
2. Resolved by Consent/Withdrawn	925 (38%)	22 (45%)
3. Default	1,084 (44%)	7 (14%)
4. Final decision after TDP	222 (9%)	13 (27%)
5. Refuse to Resolve/Other	58 (3%)	0 (0%)
Total	2,441	49

Outcome 1: CRT Refused to Accept

The CRT refuses to accept applications that are not within the CRT’s jurisdiction. During the period April 1, 2017 to March 31, 2018, only 6% of applications were found to be out of CRT jurisdiction at the time the application was screened.

The CRT provides information about the CRT’s jurisdiction and appropriate other dispute resolution bodies through the free Solution Explorer. Where an application is made for issues outside the CRT’s jurisdiction, the tribunal advises parties of this fact and notifies them that they can either withdraw their application and receive a refund of their application fee or make submissions on why they think it is in jurisdiction. If a party makes submissions, the issue is escalated to a tribunal member for a preliminary decision. If the tribunal member finds it is not in jurisdiction, the application fee is not refunded.

Outcome 2: Resolved by Consent/Withdrawn

The CRT encourages parties to reach a collaborative agreement wherever possible. Parties who reach agreements are generally more satisfied with the outcome of their dispute than where a tribunal or court issues a binding decision. Parties typically withdraw a dispute when they settle it without the need for a CRT decision or order. In other disputes, the parties’ resolution is incorporated into a consent order.

In 2017/18, 38% of disputes were resolved by consent or withdrawn. This represents a significant percentage of all CRT disputes completed during the year. The CRT continues to improve its processes and dispute resolution approach to encourage the consensual resolution of disputes.

Outcome 3: Default

After an applicant has filed an application for dispute resolution and the respondent has been served with notice of the dispute, the respondent must file a response with the CRT. If the respondent fails to provide a response, the applicant can request a decision from the CRT without the respondent's participation. This is known as a default decision.

In 2017/18, 44% of disputes resulted in a default decision (52% for small claims, 14% for strata). In part, this reflects the difficulty in engaging other parties in dispute resolution, particularly in low-value small claims debt cases. The BC Provincial Court's small claims court, and other small claims courts nationally and internationally, share a similarly high default rate.

The CRT is working to improve participation rates for respondents in low value small claims debt cases.

Outcome 4: Final Decision after TDP (Tribunal Decision Plan)

After a respondent provides a response to the CRT, the parties have an opportunity to negotiate and then mediate their dispute. If the parties do not come to an agreement, they may request that the CRT issue a binding decision.

When parties request a binding decision, the CRT creates a Tribunal Decision Plan and requests and exchanges submissions and evidence from the parties. A CRT tribunal member conducts a written or oral hearing, then issues a final decision that is binding on the parties.

During the period April 1, 2017 to March 31, 2018, 9% of disputes were resolved with a binding decision after a hearing (5% for small claims, 24% for strata). This number reflects the generally high success rate of the negotiation and facilitation phases, as well as the significant volume of default decisions.

Outcome 5: Refuse to Resolve

The CRT may refuse to resolve a dispute if the applicant does not provide requested information, or otherwise refuses to comply with the CRT's direction. The CRT may also refuse to resolve a dispute where the dispute is outside the tribunal's jurisdiction.

In 2017/18, 3% of disputes were closed because the CRT refused to resolve the dispute.

The relatively low number of disputes which the CRT refused to resolve indicates that applicants generally comply with CRT directions. The relatively low number also demonstrates that intake screening is generally accurate in determining jurisdictional issues early in the dispute resolution process.

Notice of Objection

After receiving a CRT decision, a party has the option of filing a notice of objection with the CRT if they are not satisfied with the decision.

If a notice of objection is filed, the CRT decision is set aside, and the parties have the option of pursuing dispute resolution through the BC Provincial Court. This is done through a Notice of Civil Resolution Tribunal Claim.

In 2017/18, parties in 23 small claims disputes filed notices of objection. This represents only 1% of all small claims disputes completed in 2017/18. This low number demonstrates that the CRT is meeting an important objective to free up capacity in the BC Provincial Court. Put another way, prior to the CRT the BC Provincial Court would have received an additional 3,668 disputes during the period June 1, 2017 to March 31, 2018. Even if all disputes in which a notice of objection was filed continued on to the Provincial Court, the CRT still diverted an estimated 3,645 small claims away from the Provincial Court.

Appeal/Judicial Review

CRT decisions in strata disputes are subject to a statutory appeal to the BC Supreme Court. In order to appeal a CRT strata decision, a party must ask the court for leave to appeal. If leave is granted, an appeal is limited to a question of law.

Prior to June 2016, people with a strata dispute were required to bring their claim to the BC Supreme Court for resolution. The CRT has been able to provide a highly effective and affordable way to resolve strata property disputes in BC.

Appendix A: Operational Statistics

Part I All Disputes

This table shows the CRT's operational statistics for all categories of disputes. This includes strata property disputes from July 13, 2016 to March 31, 2018 and small claims disputes from June 1, 2017 to March 31, 2018.

For the period ending March 31 of:	2018	2017	Total
New Solution Explorer Explorations			
Solution Explorer explorations	25,507	5,505	31,012
New Disputes			
New applications for dispute resolution	4,391	311	4,702
Completed Disputes			
1 – CRT Refused to Accept	152	7	159
2 – Resolved by Consent / Withdrawn	925	22	947
3 – Default / Non-compliance	1,084	7	1,091
4 – Final Decision after TDP	222	13	235
5 – Refuse to Resolve	58	-	58
Total Completed Disputes	2,441	49	2,490
Disputes in Progress			
Stage 1: Intake Screening	1,214	70	
Stage 2: Negotiation & Facilitation	960	184	
Stage 3: Tribunal Decision (Hearing or Default)	38	8	
Total Disputes in Progress	2,212	262	

Part II Small Claims Disputes

This table shows the CRT's operational statistics for small claims disputes only. The CRT's jurisdiction over small claims disputes began on June 1, 2017, which is captured by the year ending March 31, 2018.

For the period ending March 31, 2018:	
New Solution Explorer Explorations	
Solution Explorer explorations	16,950
New Disputes	
New applications for dispute resolution	3,668
Completed Disputes	
1 – CRT Refused to Accept	130
2 – Resolved by Consent / Withdrawn	661
3 – Default / Non-compliance	1,012
4 – Final Decision after TDP	100
5 – Refuse to Resolve	31
Total Completed Disputes	1,934
Disputes in Progress	
Stage 1: Intake Screening	1,055
Stage 2: Negotiation & Facilitation	661
Stage 3: Tribunal Decision (Hearing or Default)	18
Total Disputes in Progress	1,734

Part III Strata Disputes

This table shows the CRT's operational statistics for strata property disputes only. The CRT's jurisdiction over strata property disputes began on July 13, 2016, which is captured by the year ending March 31, 2017.

For the period ending March 31 of:	2018	2017	Total
New Solution Explorer Explorations			
Solution Explorer explorations	8,557	5,505	14,062
New Disputes			
New applications for dispute resolution	723	311	1,034
Completed Disputes			
1 – CRT Refused to Accept	22	7	29
2 – Resolved by Consent / Withdrawn	264	22	286
3 – Default / Non-compliance	72	7	79
4 – Final Decision after TDP	122	13	135
5 – Refuse to Resolve	27	-	27
Total Completed Disputes	507	49	556
Disputes in Progress			
Stage 1: Intake Screening	159	70	
Stage 2: Negotiation & Facilitation	299	184	
Stage 3: Tribunal Decision (Hearing or Default)	20	8	
Total Disputes in Progress	478	262	

Operational Statistics Definitions

New Solution Explorations	
Solution Explorer explorations	The number of unique uses of the Solution Explorer. Each use is a potential participant exploring their options to resolve their dispute.
New Disputes	
New applications for dispute resolution	The number of applications for dispute resolution submitted to the CRT.
Completed Disputes	
1 – CRT Refused to Accept	The number of applications where the CRT refused to issue a Dispute Notice under section 6 of the <i>CRTA</i> .
2 – Resolved by Consent/Withdrawn	The number of disputes where the parties resolved their dispute without the need for a final decision after the tribunal decision process.
3 – Default/Non-compliance	The number of disputes where the respondent failed to participate in the dispute, or a party did not comply with CRT directions.
4 – Final Decision after TDP	The number of disputes where the CRT issued a final decision at the request of the applicant or respondent. Parties are given the opportunity to provide their evidence and arguments, and to respond to the evidence and arguments provided by other parties.
5 – Refuse to Resolve	The number of disputes where the CRT refused to resolve the dispute under s.10 or s.11 of the <i>CRTA</i> .
Disputes in Progress	
Stage 1: Intake Screening	The number of disputes where the CRT has received an application and is in the process of reviewing it, as required by s.6 of the <i>CRTA</i> , before giving the initiating notice.
Stage 2: Negotiation & Facilitation	The number of disputes where parties are actively engaged in negotiation and facilitation to try to resolve the dispute consensually.
Stage 3: Tribunal Decision (Hearing or Default)	The number of disputes where the parties are: a) preparing a tribunal decision plan, b) the applicant has submitted a request for a default decision, or c) the tribunal decision plan or default decision request are with a tribunal member for decision.

Appendix B: Statement of CRT Revenue and Expenses

	Fiscal 2017/18	Fiscal 2016/17
Revenue		
	\$ 452,990	\$ 38,152
Expenses		
Salaries and Benefits	\$ 2,256,716	\$ 1,360,648
Part-time Member Per Diems & Expenses	122,035	34,453
Information Systems and Technology	396,062	344,833
Travel expenses	18,023	12,202
Building Occupancy Costs	16,788	102,203
Amortization	-	763,656
Other Operating Expenses	107,059	47,951
Total Expenses	\$ 2,916,683	\$ 2,665,946

- *Salaries and Benefits includes base salaries and employee benefits for all employees of the CRT, as well as all full-time tribunal members (including the Chair and Vice Chairs).*
- *Travel expenses includes travel expenses for CRT employees and full-time tribunal members. Travel expenses for part time members are included in Part-time Member Per Diems & Expenses.*
- *For 2016-17 fiscal year, amortization expenses were paid from the CRT budget. In subsequent fiscal years, amortization costs have been covered by the Ministry of the Attorney General, reflecting that the technology platform developed initially for the CRT is being adopted by other tribunals.*
- *Other Operating Expenses includes professional & legal services, office expenses and bank charges.*

Appendix C: Number of Employees and Full-time Members at Fiscal Year-end

	Fiscal 2017/18	Fiscal 2016/17
Full-time Members		
Chair	1	1
Vice Chairs	2	2
Members	2	0
Total Full-time Members	5	3
Employees		
Managers, Legal Counsel	3	2
Administration/Finance/Technology	3	1
Case Management (Facilitators)	10	3
Information & Intake Support	10	6
Adjudication & Decision Support	2	1
Total Employees	28	13
Total Full-time Members & Employees	33	16

Appendix D: Tribunal Members

Terms of Appointment for the year ending March 31, 2018

The CRT had 5 appointed members in the fiscal year ending March 31, 2018, including 1 Chair, 2 Vice Chairs, and 2 full-time Members. Current members were appointed by Order-in-Council by the Lieutenant Governor, for renewable terms of 2-4 years. The Chair was reappointed in March 2018 for a 5-year term. Members fulfill quasi-judicial functions under the *CRTA* including the determination of all applications and adjudicating disputes. Members have undergone specialized CRT training and are also engaged in reviewing and approving expert strata and small claims content for the CRT’s Solution Explorer.

In addition to an adjudicative role, the Chair is responsible for the effective implementation, management, and operation of the CRT and the organization and allocation of work among its members. Section 75 of the *CRTA* provides that the remuneration and benefits for members is set in accordance with applicable [Treasury Board Directives](#). A new Treasury Board directive on remuneration was implemented effective December 15, 2016. Under the new directive, tribunal members are classified in the following annual salary and per diem ranges and entitled to benefits under the Terms and Conditions for Excluded Employees/Appointees.

	Chair	Vice Chair	Members	Members
Administrative Tribunal Group	Group 4 – Full-time	Group 4 – Full-time	Group 4 – Full-time	Group 4 – Part-time
Treasury Board Directive Range	\$168,000- \$200,000	\$143,000- \$161,000	\$118,000- \$132,000	\$500- \$575 per day

Member Remuneration for the year ending March 31, 2018

Name	Position	Total Remuneration	Current rates of Remuneration <i>Per Diem rates for Part Time Tribunal Members Only</i>
Shannon Salter	Chair/Full Time	\$170,246.01	\$168,000/year
James Garth Cambrey	Vice Chair/Full Time	\$150,125.15	\$143,000/year
Shelley Lopez	Vice Chair/Full Time	\$142,510.42	\$143,000/year
Julie Gibson	Member/Full Time	\$14,473.38	\$118,000/year
Kate Campbell	Member/Full Time	\$26,911.46	\$118,000/year
Maureen Abraham	Member/Part Time	\$9,450.00	\$525/day (\$262.50/half day)
Maureen Baird	Member/Part Time	\$6,825.00	\$525/day (\$262.50/half day)
Wendy Baker	Member/Part Time	\$3,150.00	\$525/day (\$262.50/half day)
Kathryn Berge	Member/Part Time	\$9,975.00	\$525/day (\$262.50/half day)
Jamie Bleay	Member/Part Time	\$6,300.00	\$525/day (\$262.50/half day)
Morgan Camley	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
John Chesko	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Mary Childs	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Bonnie Elster	Member/Part Time	\$16,800.00	\$525/day (\$262.50/half day)
Andrew Gay	Member/Part Time	\$2,362.50	\$525/day (\$262.50/half day)
Sherelle Goodwin	Member/Part Time	\$4,200.00	\$525/day (\$262.50/half day)
Angus Gunn	Member/Part Time	\$7,350.00	\$525/day (\$262.50/half day)
Richard (Hoops) Harrison	Member/Part Time	\$4,200.00	\$525/day (\$262.50/half day)
Samuel Hyman	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Michael Kleisinger	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Kamaljit Lehal	Member/Part Time	\$2,100.00	\$525/day (\$262.50/half day)
Michael Litchfield	Member/Part Time	\$525.00	\$525/day (\$262.50/half day)
Susan MacFarlane	Member/Part Time	\$1,837.50	\$525/day (\$262.50/half day)
Karen Mok	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Graeme Nunn	Member/Part Time	\$1,312.50	\$525/day (\$262.50/half day)
Penelope Pearson	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Amy Peck	Member/Part Time	\$1,575.00	\$525/day (\$262.50/half day)
Andrew Pendray	Member/Part Time	\$3,412.50	\$525/day (\$262.50/half day)
James Posynick	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)

Shaun Ramdin	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Eric Regehr	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Susan Ross	Member/Part Time	\$1,312.50	\$525/day (\$262.50/half day)
Salima Samnani	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Adam Shee	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Vivienne Stewart	Member/Part Time	\$1,575.00	\$525/day (\$262.50/half day)
Catherine Sullivan	Member/Part Time	\$1,837.50	\$525/day (\$262.50/half day)
Ashley Syer	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Helene Walford	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Michael Welsh	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)
Patrick Williams	Member/Part Time	\$10,500.00	\$525/day (\$262.50/half day)
Craig Anthony Wilson	Member/Part Time	\$525.00	\$525/day (\$262.50/half day)
Frederick Wynne	Member/Part Time	\$1,050.00	\$525/day (\$262.50/half day)



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